

PATENT APPLICATION

10/8/03  
#13/03**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Narutoshi FUKUZAWA

Application No.: 09/818,584

Filed: March 28, 2001

For: OPTICAL RECORDING MEDIUM AND METHOD FOR PRODUCING  
THE SAME

Attorney Docket No.: OKA-0024

Examiner: M. Angebranndt

Art Unit: 1756

Confirmation No.: 3657

**SUBMITTAL OF DECLARATION UNDER 37 C.F.R. §1.132**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.132, Applicant hereby submits to the United States Patent and Trademark Office a Declaration by the inventor in support of patentability of the above-described application. Applicant files a photocopy of the original Declaration so that the Examiner might examine the Request for Reconsideration filed by the Applicants on September 3, 2003, in light of the Declaration. Applicant will file the original Declaration upon its receipt by Applicant's representative.

As we know In summary, the declaration by the inventor, Mr. Fukuzawa, is as follows:

1. No correlation exists between the crystallite size and the ratio of I(200)/I(111);
2. Comparative Example 2 in the present specification having a crystallite size of 280 Å and thus satisfying that of 200 to 600 Å in Yanagimachi proved to be outside of the present invention; and
3. It cannot be asserted that the silver thin film of Yanagimachi satisfies the ratio of I(200)/I(111) in the present invention.

Thus, Yanagimachi fails to teach or suggest the ratio of I(200)/I(111), and the present invention is believed neither to be anticipated nor to be obvious to one of ordinary skill in the art.

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Further, Applicant expresses his appreciation for the courtesies and helpful comments extended by the Examiner to Applicant's representative during a telephonic interview on September 22, 2003. Points raised during the telephonic interview are incorporated into this paper.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested.

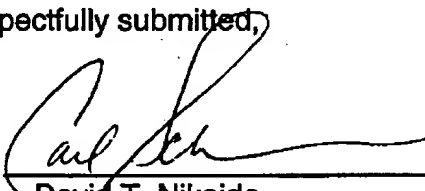
Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

Date: October 6, 2003

By:

  
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Enclosure(s): Photocopy of Declaration

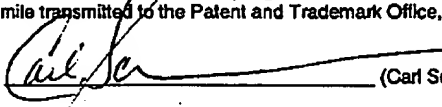
DC135503

**Submission Of Declaration Under 37 C.F.R. §1.132**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9310, on the date shown below.

Dated: October 6, 2003

Signature:

 (Carl Schaukowitch)

Serial No.: 09/818,684

U.S. Filing Date: March 28, 2001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

I graduated from Faculty of Science and Technology, Keio University and joined TDK Corporation in 1997.

I have been involved in research and development of optical recording media in TDK Corporation for 6 years.

Date: 10. 2. 2003

Narutoshi Fukuzawa  
Narutoshi Fukuzawa

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## DECLARATION

Yanagimachi discloses that adjusting a crystalline size of the silver reflecting film within the range of 200 to 600 Å makes it possible to provide the optical recording media having improved resistance and recording/reproduction characteristics, in paragraph [0036].

The following table shows argon gas pressure as sputtering condition, crystallite size and the ratio  $I(200)/I(111)$  of the silver thin film actually manufactured in Example 2, 6, 8 and Comparative Example 2 of the present specification. In the table, each of the values of argon gas pressure and of  $I(200)/I(111)$  are therefore the same as recorded in Table 1 of the present specification. While, the value of the crystallite size was given along with measuring X-ray diffraction spectrum using JDX8030 (JEOL Co., Ltd.) to determine the ratio  $I(200)/I(111)$ . The measuring condition is described at page 24, lines 2 to 9 in the present specification. All the data listed in the following table had been obtained on August 6, 1999.

table			
	Argon gas Pressure (Pa)	Crystallite Size (Å)	$I(200)/I(111)$
Example 2	0.23	260	0.55
Example 6	0.53	240	0.49
Example 8	1.0	310	0.41
Comparative Example 2	2.75	280	0.28

As shown in the above table, there is no correlation between the crystallite size and the ratio of  $I(200)/I(111)$ . All silver thin films of Example 2, 6, 8 and Comparative Example 2 respectively have the crystallite size within the range of 200 to 600 Å disclosed in Yanagimachi. However, silver thin film of Comparative Example 2 gives the ratio  $I(200)/I(111)$  of as small as 0.28 to be out of the present invention, resulting in significant increase in the PI errors after high-temperature high-humidity preservation, as described at page 30, lines 12 to 14 in the present specification.

The above facts indicate that, only satisfying a crystallite size of 200 to 600 Å which is the most critical factor in Yanagimachi is not able to achieve the ratio  $I(200)/I(111)$  of 0.49 or more of the present invention for imparting high-temperature high-humidity resistance characteristics to the optical recording medium. No teaching or suggestion about the ratio  $I(200)/I(111)$  is found in Yanagimachi.

Therefore, it cannot be asserted that the silver thin film of Yanagimachi satisfies the ratio of  $I(200)/I(111)$  in the present invention.